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Environment and sustainable development: Convention on Biological Diversity

Report of the Second Committee*

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I. Introduction

1. The Second Committee held a substantive debate on agenda item 100 (see A/54/588, para. 2). Action on sub-item (c) was taken at the 26th and 44th meetings, on 29 October and 1 December 1999. An account of the Committee's consideration of the item is contained in the relevant summary records (A/C.2/54/SR.26 and 44).

II. Consideration of proposals

A. Draft resolutions A/C.2/54/L.15 and A/C.2/54/L.55

2. At the 26th meeting, on 29 October, the representative of Guyana, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/54/L.15), which read:

"*The General Assembly*,

"*Recalling* its resolution 53/190 of 15 December 1998 on the Convention on Biological Diversity and other relevant resolutions relating to the Convention,

"*Recalling also* the provisions of the Convention on Biological Diversity,

* The report of the Committee on this item will be issued in eight parts, under the symbol A/54/588 and Add.1-7.

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"*Recalling further* that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

"*Recalling* Agenda 21, particularly its chapter 15 on the conservation of biological diversity and related chapters,

"*Deeply concerned* about the continued loss of the world's biological diversity and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding,

"*Recognizing* the contribution of indigenous and local communities to the conservation and sustainable use of biological resources,

"*Recalling* the decisions adopted by the Conference of the Parties at its fourth meeting, relating to intellectual property rights, traditional knowledge and the relationship of the Convention with other international agreements,

"*Noting* the continuing dialogue taking place in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,

"*Encouraged* by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization have ratified the Convention,

"*Noting* the outcome of the fourth meeting of the Subsidiary Body on Scientific Technical and Technological Advice and that of the Inter-Sessional Meeting on the Operations of the Convention,

"*Noting with appreciation* the generous offer of the Government of Kenya to host the fifth meeting of the Conference of the Parties, which will be held at Nairobi from 15 to 26 May 2000,

"*Recalling* its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the result of future meetings of the Conference of the Parties to the Convention,

"1. *Welcomes* the inter-sessional work which has taken place under the Convention on Biological Diversity since the fourth meeting of the Conference of the Parties to the Convention, held at Bratislava in May 1998, and calls for the continuation of this inter-sessional work in order to ensure the proper process of implementation of the Convention;

"2. *Reaffirms* the importance of the decision of the fourth meeting of the Conference of the Parties on the adoption of the programmes of work and the thematic approach to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems;

"3. *Calls upon* Governments, in cooperation with the Conference of the Parties, to use science-based analysis to study and monitor closely the evolution of new technologies to prevent possible adverse effects on the conservation and

sustainable use of biological diversity, which might have an impact on farmers and local communities;

"4. *Recognizes* the importance of the adoption of a protocol on biosafety at the resumed session of the extraordinary meeting of the Conference of the Parties in January 2000, and calls upon States participating in the negotiations on a protocol on biosafety to work constructively towards bringing this process to a satisfactory conclusion, bearing in mind the existing concerns regarding health and development aspects;

"5. *Welcomes* decision IV/15, adopted by the Conference of the Parties at its fourth meeting, in which the Conference of the Parties stressed the need to ensure consistency in implementing the Convention and World Trade Organization agreements, including the Agreement on Trade-related Aspects of Intellectual Property Rights, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights;

"6. *Reaffirms* paragraph 10 of decision IV/15, in which the Conference of the Parties emphasized that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

"7. *Welcomes* recommendation IV/5 of the fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, to be considered by the Conference of the Parties at its fifth meeting, that products which incorporate the new technology for the control of plant gene expression should not be approved for field testing or commercial use in view of the current absence of reliable data to assess their impact;

"8. *Recognizes* the importance of the implementation of the Convention at all levels, including through the preparation and implementation of national strategies, plans and programmes, taking into account the need for financial resources to support the implementation activities, in particular those of developing countries, in accordance with the provisions of the Convention and decisions of the Conference of the Parties;

"9. *Encourages* those States that have not yet ratified the Convention to do so as soon as possible;

"10. *Welcomes* the first meeting of the panel of experts established in accordance with decision IV/8 of the fourth meeting of the Conference of the Parties;

"11. *Recognizes* the importance of national action to conserve biological diversity in many habitats, including forests, wetlands and coastal areas, in accordance with the relevant provisions of the Convention, in particular article 8, and the need to mobilize national and international support for such national actions;

"12. *Recognizes* also the utility of information exchange, and encourages the development of biodiversity information networks at the national, regional and international levels;

"13. *Invites* all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in the implementation of the programme of work;

"14. *Calls upon* States parties to the Convention to settle urgently any arrears and to pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

"15. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work regarding the Convention;

"16. *Decides* to include in the provisional agenda of its fifty-fifth session the sub-item entitled 'Convention on Biological Diversity'".

3. At the 44th meeting, on 1 December, the Vice-Chairman of the Committee, Daúl Matute (Peru), introduced a draft resolution entitled "Convention on Biological Diversity" (A/C.2/54/L.55), which he submitted on the basis of informal consultations held on draft resolution A/C.2/54/L.15.

4. At the same meeting, the Committee adopted draft resolution A/C.2/54/L.55 (see para. 6).

5. In the light of the adoption of draft resolution A/C.2/54/L.55, draft resolution A/C.2/54/L.15 was withdrawn by its sponsors.

III. Recommendation of the Second Committee

6. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Biological Diversity

The General Assembly,

Recalling its resolution 53/190 of 15 December 1998 on the Convention on Biological Diversity and other relevant resolutions relating to the Convention,

Recalling also the provisions of the Convention on Biological Diversity,[1]

Reaffirming that the conservation of biological diversity is a common concern of humankind,

Recalling that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

[1] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

Recalling Agenda 21,[2] in particular its chapter 15 on the conservation of biological diversity and related chapters,

Having considered the report of the Executive Secretary of the Convention on Biological Diversity as submitted by the Secretary-General to the General Assembly,[3]

Deeply concerned about the continued loss of the world's biological diversity, and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding,

Recognizing the contribution of indigenous and local communities, and women within those communities, to the conservation and sustainable use of biological resources,

Recalling the decisions adopted by the Conference of the Parties to the Convention on Biological Diversity at its fourth meeting[4] relating to intellectual property rights, traditional knowledge and the relationship of the Convention with other international agreements,

Noting the continuing dialogue taking place in the Committee on Trade and Environment of the World Trade Organization on the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights,[5]

Encouraged by the work carried out to date under the Convention, and satisfied that most States and one regional economic integration organization have ratified the Convention,

Noting with appreciation the generous offer of the Government of Kenya to host the fifth meeting of the Conference of the Parties, which will be held at Nairobi from 15 to 26 May 2000,

Recalling its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the result of future meetings of the Conference of the Parties,

1. *Notes* the results of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Bratislava from 4 to 16 May 1998;[4]

2. *Recognizes* the importance of the inter-sessional efforts of the Conference of the Parties since its fourth meeting to improve the effectiveness of the operations of the Convention;

3. *Reaffirms* the importance of the decision of the fourth meeting of the Conference of the Parties on the adoption of the programmes of work and the thematic approach to guide its work in the development of the Convention for the foreseeable future, including its in-depth consideration of ecosystems;

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[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

[3] A/54/428, annex.

[4] See UNEP/CBD/COP/4/27, annex.

[5] See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7).

4. *Calls upon* Governments, in cooperation with the Conference of the Parties, to use science-based analysis to study and monitor closely the evolution of new technologies to prevent possible adverse effects on the conservation and sustainable use of biological diversity, which might have an impact on farmers and local communities;

5. *Recognizes* the importance of the adoption of a protocol on biosafety at the resumed session of the extraordinary meeting of the Conference of the Parties, to be held at Montreal, Canada, from 24 to 28 January 2000, and calls upon States participating in the negotiations on a protocol on biosafety to work constructively to bring this process to a satisfactory conclusion;

6. *Welcomes* decision IV/15, adopted by the Conference of the Parties at its fourth meeting, in which the Conference of the Parties stressed the need to ensure consistency in implementing the Convention and World Trade Organization agreements, including the Agreement on Trade-related Aspects of Intellectual Property Rights,[5] with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights;

7. *Reaffirms* paragraph 10 of decision IV/15, in which the Conference of the Parties emphasized that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

8. *Notes* the fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties,[6] including its recommendation IV/5 on the consequences of the use of the new technology for the control of plant gene expression for the conservation and sustainable use of biological diversity;

9. *Stresses* the importance of the implementation of the Convention at all levels, including through the preparation and implementation of national strategies, plans and programmes, taking into account the need for financial resources to support the implementation activities, in particular those of developing countries, in accordance with the provisions of the Convention and the decisions of the Conference of the Parties;

10. *Encourages* those States that have not yet ratified the Convention to do so as soon as possible;

11. *Notes* the meeting of the Panel of Experts on Access and Benefit-sharing, established in accordance with decision IV/8, adopted by the Conference of the Parties at its fourth meeting;

12. *Recognizes* the importance of national action to conserve biological diversity in many habitats, including forests, wetlands and coastal areas, in accordance with the relevant provisions of the Convention, in particular article 8, and the need to mobilize national and international support for such national actions;

13. *Welcomes* the offer of Spain to host, at Seville in March 2000, the first meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on article 8 (j) of the Convention on Biological Diversity regarding the traditional knowledge, innovations and practices of

[6] See UNEP/CBD/COP/5/2.

indigenous and local communities, and encourages Governments to include representatives of indigenous and local communities on their delegations to that meeting;

14. *Recognizes* the utility of information exchange, and encourages the development of biodiversity information networks at the national, regional and international levels by way of the clearing-house mechanism;

15. *Encourages* the conferences of the parties to the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, to further examine appropriate opportunities and measures to strengthen their complementarities and improve scientific assessments of ecological linkages between the three conventions;

16. *Encourages* the secretariats of various environmental and environment-related conventions and other international organizations, with full respect for the status of the respective convention secretariats and the autonomous decision-making prerogatives of the conferences of the parties to the conventions concerned, to strengthen cooperation with a view to facilitating progress in their implementation at the international, regional and national levels;

17. *Invites* all funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in the implementation of the programme of work;

18. *Calls upon* States parties to the Convention to settle urgently any arrears and to pay their contributions in full and in a timely manner so as to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

19. *Invites* the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the ongoing work regarding the Convention;

20. *Decides* to include in the provisional agenda of its fifty-fifth session the sub-item entitled "Convention on Biological Diversity".